

REMARKS

This amendment is submitted in reply to the Office Action dated May 2, 2007. Claims 1, 2, 5-14 and 23-29 currently stand rejected. Applicant has amended independent claims 1 and 23 to more particularly distinguish the claimed invention from the cited references. Claim 13 has been amended to correct a minor omission. Claims 2 and 5-14 have been amended to correspond to the changed preamble of independent claim 1. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §102

Claims 1, 2 and 23 currently stand rejected under 35 U.S.C. §102(e), as being anticipated by Welch (U.S. Patent No. 6,177,905).

Applicant has amended independent claim 1 to recite, *inter alia*, selecting location conditions under which the message is enabled to be opened by a device of a recipient, the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities. Accordingly, a message sender may send a message to another device and determine location conditions that enable the opening of the message by the message recipient.

Welch is directed to a location triggered reminder. As such, Welch is merely a self reminder system basing the issuance of the reminder upon location of the user. Thus, even if the reminder were to be considered as a message that is opened in response to reaching a particular location, Welch is still clearly not related to the claimed process which involves sending a message having location conditions that define when the recipient of the message is enabled to open the message where the sender and recipient are different entities. Accordingly, Welch fails to teach or suggest selecting location conditions under which the message is enabled to be opened by a device of a recipient, the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities as

provided in independent claim 1. Therefore, independent claim 1 is novel and nonobvious in view of Welch.

Independent claim 23 is directed to a method reciting substantially similar subject matter to that of independent claim 1 with respect to selecting location conditions under which the message is enabled to be opened by a device of a recipient, the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities. Thus, independent claim 23 is patentable over Welch for at least the same reasons given above for independent claim 1. Claim 2 depends directly from claim 1 and therefore includes all the recitations of independent claim 1. Claim 2 is therefore patentable for at least the same reasons given above for independent claim 1.

Accordingly, Applicant respectfully submits that the rejections of claims 1, 2 and 23 are overcome.

Claim Rejections - 35 USC §103

Claims 5-8, 10, 13 and 14 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Welch in view of Gerszberg et al. (U.S. Patent No. 6,385,305, hereinafter "Gerszberg"). Claims 9, 11, 12 and 24-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Welch in view of various combinations of Gerszberg, Jennings (U.S. Patent No. 5,781,186), or Hashimoto et al. (U.S. Patent No. 6,263,201, hereinafter "Hashimoto").

As stated above, Welch fails to teach or suggest selecting location conditions under which the message is enabled to be opened by a device of a recipient, the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities as provided in independent claim 1.

Gerszberg, as an initial matter, is unconcerned with and does not teach or suggest location conditions. Instead Gerszberg discloses only that time and date conditions may be set for programming a video phone to display greetings to callers at certain times and/or dates. Thus, Gerszberg also fails to define conditions under which a message is enabled to be opened since, Gerszberg instead programs a time and/or date for displaying a greeting. Thus, Gerszberg also fails to teach or suggest selecting location conditions under which the message is enabled to be opened by a device of a recipient, the location conditions defining a location of the device of

Appl. No.: 09/742,190
Filed: December 22, 2000
Amdt. Dated July 25, 2007

the recipient of the message, wherein the recipient and the message sender are different entities as provided in independent claim 1.

Hashimoto is also unconcerned with selecting location conditions under which the message is enabled to be opened by a device of a recipient, as pointed out in Applicant's prior response, and Hashimoto is no longer cited in this regard. Furthermore, Hashimoto also fails to teach or suggest the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities as further provided in independent claim 1. Jennings also fails to teach or suggest selecting location conditions under which the message is enabled to be opened by a device of a recipient, the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities as provided in independent claim 1, and is not cited as such.

Since none of the cited references alone teach or suggest selecting location conditions under which the message is enabled to be opened by a device of a recipient, the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities as provided in independent claim 1, any combination of the cited references likewise fails to render independent claim 1 obvious for at least the same reasons described above. As stated above, independent claim 23 is directed to a method reciting substantially similar subject matter to that of independent claim 1 with respect to selecting location conditions under which the message is enabled to be opened by a device of a recipient, the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities. Thus, independent claim 23 is patentable over Welch for at least the same reasons given above for independent claim 1. Claims 5-14 and 24-29 depend either directly or indirectly from respective ones of independent claims 1 and 23, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 5-14 and 24-29 are patentable for at least those reasons given above for independent claims 1 and 23.

Accordingly, Applicant respectfully submits that the rejections of claims 5-14 and 24-29 are overcome.

Appl. No.: 09/742,190
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CONCLUSION

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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